

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 13848, of Donald Gordon McDonald, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) for a proposed rear addition (dormer) to a single family detached dwelling which is a non-conforming structure in an R-1-B District at the premises 5609 Sherrier Place, N. W., (Square 1451, Lot 836).

HEARING DATE: October 27, 1982

DECISION DATE: October 27, 1982 (Bench Decision)

FINDINGS OF FACT:

1. On July 29, 1982, the applicant requested an expedited hearing on the application. The Board at the Public Meeting of August 4, 1982, denied the request on the grounds that the Board did not find the applicant's reasons of sufficient merit to warrant an advance of the subject application over other applications filed prior to the applicant's case.

2. The subject property is located on the northeast side of Sherrier Place, N. W. between Macomb and Manning Streets, N. W. and is known as premises 5609 Sherrier Place, N. W. It is in an R-1-B District.

3. The subject property is rectangular in shape. The site has 37.5 feet of frontage on Sherrier Place and is 150 feet deep. The site is generally level.

4. The property is improved with a two-story brick detached dwelling constructed in 1923. The building is occupied as a single-family residence. The house is approximately twenty-five feet wide by forty feet in depth. It is set back from the front lot line approximately twenty-two feet, with single story open porches at the front and rear of the structure. A two-car garage measuring approximately eighteen by twenty feet is located in the rear yard. The garage is set back from the rear lot line by five feet and is set back from the southeastern lot line by 2.5 feet.

5. A fifteen foot public alley abuts the subject property at the rear or northeastern property line followed by the rear yards of detached and semi-detached dwellings with frontage along MacArthur Boulevard, N. W. Immediately

northwest and southeast of the subject property are single-family dwellings. Single-family dwellings front on the southwest side of Sherrier Place and generally characterize the surrounding neighborhood for an area of two to three blocks in all directions, except for a small area of C-1 zoning at the intersection of MacArthur Boulevard and Cathedral Avenue, N. W.

6. The applicant proposes to construct a second story rear addition or dormer across the full width of the house. The rear portion of the roof will be raised at the eaves approximately eight feet and new wood framed walls will be constructed on top of the existing masonry walls.

7. The addition will be constructed within the perimeter established by the existing walls of the structure.

8. The applicant testified that the addition is needed to provide for an additional bedroom and bath, as the applicant wishes to start a family.

9. The R-1-B District requires a minimum lot area of 5,000 square feet. The subject property has 5,625 square feet. A minimum lot width of fifty feet is required, and 37.5 feet is provided. A maximum lot occupancy of forty per cent, or 2,250 square feet, is allowed and 1,776.19 square feet is provided. A minimum rear yard of twenty-five feet is required, and 82.1 feet is provided.

10. Side yards of at least eight feet are required on each side. The existing building has a side yard of 3.0 feet on the southeast and 9.3 feet on the northwest. Since the addition follows the existing walls, a variance on the 3.0 foot side yard of five feet or 62.5 percent is required.

11. The structure occupying the adjoining lot to the southeast is 12.5 feet from the southeastern property line of the subject lot. The non-conforming three foot side yard is along the southeastern lot line of the subject lot. The distance between the subject structure and the neighboring structure to the southeast is approximately 15.5 feet, slightly less than the normal sixteen feet required for the R-1-B District where a minimum eight foot side yard is required on each lot.

12. The proposed addition, to conform to the eight foot side yard requirements, would have to be set back at the second story five feet from the existing walls. This would create additional structural complexities, increase cost, reduce the amount of living space in the addition and would eliminate a practical solution to extend the existing plumbing to the addition.

13. The subject property has a rear yard in excess of eighty feet. To construct an addition into the rear yard would require the construction of a new foundation and footings at the ground level and structural supports extended to the second story.

14. Many letters in favor of the application have been received into the record, including a letter of support from the owner of 5607 Sherrier Place, N. W. the adjoining property to the southeast (Lot 848, Square 1451). The letters are from persons who raise no objections to the proposed construction and who are of opinion that the addition will improve the neighborhood.

15. Advisory Neighborhood Commission 3-D, by letter dated July 31, 1982, recommended approval of the application provided that the neighbors of the subject property do not object to the proposed construction.

16. In response to the concern of Advisory Neighborhood Commission 3D for neighborhood support, the Board finds that letters of support were received from the following addresses within 200 feet of the subject property: 5607 Sherrier Place (adjoining property to the south); 5623 Sherrier Place; 5315 Macomb Street; 5610 Sherrier Place; 5318 Manning Place; 5624 Sherrier Place; 5617 Sherrier Place and 5620 MacArthur Boulevard. The Board concurs with the recommendation of the ANC.

17. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires the showing of a practical difficulty inherent in the property itself. The Board concludes that there are practical difficulties unique to the subject property. The subject structure was built prior to the adoption of the present Zoning Regulations. The width of the subject lot is 37.5 feet and does not meet the required width of fifty feet in the R-1-B District. The Board is of the opinion that to impose the strict application of the side yard requirements of the R-1-B District would impose construction and financial difficulties on the applicant. If the second story addition were to be constructed in the rear yard, excessive construction and further financial difficulties would be imposed on the applicant.

The Board further concludes that the requested relief can be granted without causing substantial detriment to the public good. The subject structure on the south is 15.5

feet from the structure on the adjoining lot. It is a half foot less than the required sixteen foot separation in the R-1-B District. The proposed addition will not obstruct adequate light and air to the adjoining property.

The Board is further of the opinion that the relief can be granted without substantially impairing the intent, purpose and integrity of the Zone Plan. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE:3-0 (Douglas J. Patton, William F. McIntosh and Charles R. Norris to GRANT; Connie Fortune and Maybelle Taylor Bennett not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: FEB - 4 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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